IN THE HIGH COURT OF UTTARANCHAL AT NAINITTAL

Writ Petition No. 182 of 2002 (M/B)

Maulana Abul Kalam Azad
Alpsankhyak Kalyan Samiti. ……. Petitioner

Versus

State of Uttaranchal. ……. Respondent

Mr. N.C. Gupta, Standing Counsel for the State of Uttaranchal.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

Petitioner's counsel absent.

2. The petitioner has filed this writ petition styled as 'Public Interest Litigation' for the following reliefs:

> "i. To issue a suitable writ, order or direction to respondent to establish a State Commission for redressal consumer disputes.
> ii. To issue a suitable writ, order or direction to respondent to establish a full time District Forum in every district where work load is more than 150 cases consistently in six months.
> iii. To issue a suitable writ, order or direction to respondent to establish a District Forum in every district where work load is less than 150 cases consistently in six months.
> iv. To issue a suitable writ, order or direction to respondent to fill the vacancies in the district forum.
> v. To issue a suitable writ, order or direction to respondent to make a proper arrangement for proper working of state commission and district forum regularly for speedy settlement of consumer disputes and protection the consumer rights.
> vi. To issue any other suitable writ, order or direction which this Hon'ble High Court may deem fit and proper under the circumstances of the case.

vii. To award cost of the writ petition to the petitioner."

3. In the counter affidavit filed on behalf of the respondent, following averments have been made in paras 8 to 10:

> "8. That the contents of para 6 of the writ petition are not admitted as stated. It is submitted that on 9th November 2000 the State of U.P. was reorganized by which the new State of Uttaranchal came into existence and after came into existence the State of Uttaranchal has already taken steps regarding the establishment of the State Commission and District Forums and these bodies are duly functioning in their respective places the prescribed authority has also been appointed by the State Govt. therefore the contents of the petitioner are untenable and unsustainable.
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> 9. That the contents of para 7 of the writ petition are not admitted as stated. It is submitted that the State Govt. has established District Forum in the District-Udham Singh Nagar vide its G.O. No. 562/सं0खा0/जि0उ0फो0/2002 देहरादून दिनांक 15 जुलाई 2002 and one Smt. Shilpa Singhal has been already appointed by State Govt. as women member of the District Forum.
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> 10. That in reply to the contents of para 8 of the writ petition it is submitted that as has been replied in the preceding paras of this counter affidavit the State Govt. has already established State Commission as well as District Forum and authorities and members for the Commission as well as the District Forum has already appointed by the State Govt. therefore, the contentions made by the petitioner by way of the para under reply are vague, unsustainable and without sufficient material available on record."

4. In view of the above-mentioned developments during the pendency of the writ petition, the writ petition, now, has become infructuous.

5. The writ petition, therefore, is dismissed as infructuous.

(M.M. Ghildiyal, J.) **(Rajeev Gupta, C.J.)**
27.03.2006 **27.03.2006**

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